

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

In the Matter of:

**MIDTOWN NEON SIGN
CORPORATION**

FAA Order No. 96-14

Served: April 19, 1996

Docket No. CP94EA0057

ORDER DISMISSING RESPONDENT'S CROSS-APPEAL

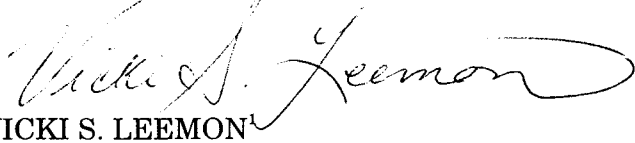
Administrative Law Judge Ronnie A. Yoder served the written initial decision in this case on the parties on February 14, 1996. Under the Rules of Practice, parties who wish to appeal must file a notice of appeal not later than 10 days after service of the written initial decision on the parties. 14 C.F.R. § 13.233(a). The parties had an additional 5 days to file an appeal because the initial decision was served by mail. 14 C.F.R. § 13.211(e). As a result, the deadline for filing any notice of appeal in this case was February 29, 1996. Respondent, however, did not file its notice of cross-appeal until March 11, 1996.

On March 13, 1996, Complainant filed a motion to dismiss Respondent's cross-appeal. Respondent has not filed any response to Complainant's motion. Thus, Respondent has failed to show, or even attempt to show, good cause for the untimeliness of its notice of cross-appeal.

THEREFORE, IT IS ORDERED THAT:

Respondent's cross-appeal is dismissed.

DAVID R. HINSON, ADMINISTRATOR
Federal Aviation Administration


VICKI S. LEEMON
Manager, Adjudication Branch

Issued this 19th day of April, 1996.

¹ Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by Memorandum dated October 27, 1992, under 49 U.S.C. § 322(b) and 14 C.F.R. § 13.202 (see 57 Fed. Reg. 58,280 (1992)) and redelegated by the Assistant Chief Counsel for Litigation to the Manager, Adjudication Branch by Memorandum dated August 6, 1993.